

# STEPHEN M. SMITH

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February 20, 2015

By ECF Only

The Honorable Steven M. Gold  
Chief United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**RE: Civil Action 11-1976 (ERK) (SMG)  
United States v. All Funds On Deposit At Cayman National Securities, Ltd.,  
Account Number 63144, Held In The Name Of Emo Investment Corporation  
And All Proceeds Traceable Thereto; All Funds On Deposit At Butterfield  
Bank, Ltd., Account Number 01-201-039689, Held In The Name Of Emo  
Investment Corporation And All Proceeds Traceable Thereto; All Funds On  
Deposit At Scotia Bank & Trust (Cayman), Ltd., Account Number 10016387,  
Held In The Name Of Gloria Gonzalez De Puche And All Proceeds Traceable  
Thereto**

Dear Judge Gold:

This correspondence is in response to the letter filed by AUSA Karin Orenstein. Included as an attachment is the Verified Claim of Gloria Gonzalez De Puche, individually and on behalf of EMO Investment Corporation.

The Claimant did not submit a "verified claim" as she was and has always been considered the Claimant in this matter. When we were requested to provide a verified answer we were clear on the fact that the answer filed by previous counsel did not conform to the FRCP by giving an answer to each allegation in the petition nor did it include the actual signature of the Claimant. We failed to realize that the government was contesting the notice of Gloria Gonzalez De Puche as the Claimant.

In spite of that omission, The Claimants would like to point out that the Supplemental Rules require no specific form for the Claimant to make her/his claim but merely require, under Supplemental Rule G(5)(a)(i) that "the Claim must:

- A) identify the specific property claimed;
- B) identify the claimant and state the claimants interest in the property;
- C) be signed by the claimant under penalty of perjury;
- D) be served on the government attorney designated under Rule G(4)(a)(ii)(C) or (b)(ii)(D)."

The Claimants fulfilled all of these requirements within the Verified Answer that was filed with the Court. On page two (2) of the Verified Answer in the first paragraph which begins "Now Into Court" the property claimed is identified in the sentence "[t]he Claimants further make claim for the return and/or award of the above captioned funds on deposit at Cayman National Securities, LTD., Account Number 63144, Butterfield Bank, LTD., Account Number 01-201-039689 and Scotia Bank & Trust (Cayman), LTD., Account Number 10016387 and any and all funds associated with these accounts." The Claimants state their interest when Gloria Gonzalez De Puche states in the same paragraph "NOW INTO COURT, comes Gloria Gonzalez De Puche personally and in her capacity as owner of EMO Investments Corp. (Claimants)". This interest is further confirmed by the admission of Gloria Gonzalez De Puche in Paragraph No. 26 to ownership of the account opened at Scotia Bank. The third requirement is met by the notarized verification signature that is included as the last page of the filing and the fourth prong is met by the ECF service of the verified answer on Evan Weitz who was listed as the person to be served with the verified claim in a letter dated June 1, 2011 addressed to members of the Puche family.

As such and for the foregoing reasons, I would ask that this Honorable Court accept the attached verified claim to supplement the verified claim included in the verified answer filed on February 12, 2015 with this Court and also that this Court maintain as timely filed the Verified Answer to the Verified Complaint In Rem.

With kindest regards and sincere thanks.

Respectfully submitted by,

s/ Stephen M. Smith

Stephen M. Smith, Esq. (#28235)

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*Counsel for Gloria Gonzalez De Puche  
and EMO Investments Corp.*

#### **Certificate of Service**

I hereby certify that on February 20, 2015, I electronically filed this pleading and served same via electronic filing using the CM/ECF System, which will send a notice of electronic filing to all counsel of record.

s/ Stephen M. Smith

*from the hand of*  
Gloria Gonzalez De Puche  
c/o Stephen M. Smith, Esq.  
1425 N. Broad Street  
Suite 201  
New Orleans, LA 70119

February 20, 2015

Evan S. Wern  
Assistant US Attorney  
United States Attorney's Office  
Eastern District of New York  
271 Cadman Plaza East  
7<sup>th</sup> Floor  
Brooklyn, New York 11201

**Verified Claim of Gloria Gonzalez De Puche, individually and as an owner the Puche Family Revocable Trust which is the sole owner of EMO Investment Corporation**

**RE: Civil Action 11-1976 (ERK) (SMG)  
United States v. All Funds On Deposit At Cayman National Securities, Ltd.,  
Account Number 63144, Held In The Name Of Emo Investment Corporation And  
All Proceeds Traceable Thereto; All Funds On Deposit At Butterfield Bank, Ltd.,  
Account Number 01-201-039689, Held In The Name Of Emo Investment  
Corporation And All Proceeds Traceable Thereto; All Funds On Deposit At Scotia  
Bank & Trust (Cayman), Ltd., Account Number 10016387, Held In The Name Of  
Gloria Gonzalez De Puche And All Proceeds Traceable Thereto**

Dear Madame/Sir:

Please accept this correspondence as a verified claim for assets seized by the United States under the above captioned case name and civil action number. This claim is being submitted under oath by Gloria Gonzalez De Puche, individually and as an owner the Puche Family Revocable Trust which is the sole owner of EMO Investment Corporation.

I, Gloria Gonzalez De Puche make claim to the following assets listed below as my personal property and/or property to which I have sole possessory interest through my interest in the Puche Family Revocable Trust which is the owner of the EMO Investment Corporation.

The seized assets are as follows:

**All Funds On Deposit At Cayman National Securities, Ltd., Account Number 63144, Held In The Name Of Emo Investment Corporation And All Proceeds Traceable Thereto believed to be approximately \$950,000.00.**



ANATILDE CORDERO  
MY COMMISSION # FF 022339  
EXPIRES: June 20, 2017  
Bonded Thru Budget Notary Services

**All Funds On Deposit At Butterfield Bank, Ltd., Account Number 01-201-039689, Held In The Name Of Emo Investment Corporation And All Proceeds Traceable Thereto believed to consist of approximately \$39,906.65.**

**And**

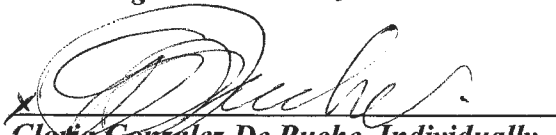
**All Funds On Deposit At Scotia Bank & Trust (Cayman), Ltd., Account Number 10016387, Held In The Name Of Gloria Gonzalez De Puche And All Proceeds Traceable Thereto believed to consist of approximately \$985,068.11.**

All of the above described assets were either seized from or owned by Gloria Gonzalez De Puche. As such, Gloria Gonzalez De Puche makes claim for all of the assets as an innocent party who is not subject to having her assets seized, claimed, encumbered, liened and/or in any other way held or restricted from her use as its rightful owner.

Furthermore, Gloria Gonzalez De Puche makes this claim stating that the assets are not nor were they ever used or derived from any illegal activity but were earned through honest business practices and transferred via legitimate accounts held in United States banks and/or financial institutions.

In proper person as Gloria Gonzalez De Puche and as the sole owner and shareholder of EMCO Investments Corporation, Gloria Gonzalez De Puche makes claim for the entirety of the assets seized in the above mentioned accounts.

***I, Gloria Gonzalez De Puche, by my signature and under oath, state that I have a 100% interest in and make claim to the above described assets seized from each bank and account number listed above. I make this claim as the rightful owner and/or possessor of the property having come into the property through no knowledge of or participation in any illegal activity which might warrant seizure.***

  
***Gloria Gonzalez De Puche, Individually  
and on behalf of EMO Investment Corporation***

c/o Stephen M. Smith, Esq.  
1425 N. Broad Street  
Suite 201  
New Orleans, LA 70119

By my signature I certify that the above named signed in my presence and under oath this the  
00 day of February, 2015.

  
\_\_\_\_\_  
Notary Public



**ANATILDE CORDERO**  
MY COMMISSION # FF 022339  
EXPIRES: June 20, 2017  
Bonded Thru Budget Notary Services